

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LUIS SEGOVIA, JOSE ANTONIO TORRES,  
PAMELA LYNN COLON, TOMAS ARES,  
ANTHONY BUNTEN, LAVONNE WISE,  
IRAQ AFGHANISTAN AND PERSIAN GULF  
VETERANS OF THE PACIFIC, and LEAGUE  
OF WOMEN VOTERS OF THE VIRGIN  
ISLANDS,

Plaintiffs,

v.

BOARD OF ELECTION COMMISSIONERS  
FOR THE CITY OF CHICAGO, MARISEL A.  
HERNANDEZ, in her official capacity as  
Chairman of the Board of Election  
Commissioners for the City of Chicago, KAREN  
KINNEY, in her official capacity as Rock Island  
County Clerk, UNITED STATES OF  
AMERICA, ASHTON CARTER, in his official  
capacity as the Secretary of Defense, FEDERAL  
VOTING ASSISTANCE PROGRAM, and  
MATT BOEHMER, in his official capacity as  
Director of the Federal Voting Assistance  
Program,

Defendants.

Case No. 15-cv-10196

Judge Joan B. Gottschall

**PLAINTIFFS' SECOND MOTION FOR SUMMARY JUDGMENT**

Date: September 23, 2016

Leevin T. Camacho  
The Law Office of Leevin T. Camacho  
194 Hernan Cortez Avenue  
Suite 216  
Hagåtña, Guam 96910  
(617) 477-8894  
leevin@guahanlaw.com

s/ Charles F. Smith  
Charles F. Smith  
Lara A. Flath  
John J. Schoettle  
155 N. Wacker Drive, Suite 2700  
Chicago, Illinois 60606  
(312) 407-0700  
charles.smith@probonolaw.com  
lara.flath@probonolaw.com  
john.schoettle@probonolaw.com

Luis G. Rivera Marín  
Rivera Marín & Talavera Law Offices  
112 Uruguay Street  
Hato Rey, Puerto Rico 00918  
(787) 946-9400  
luisg@riveramarin.com

Semaj Johnson  
Law Offices of K.A. Rames PC  
Suite 3, 2111 Company Street  
Christiansted, St. Croix, Virgin Islands 00820  
(340) 773-7284  
semaj.johnson@rameslaw.com

Geoffrey M. Wyatt  
Michael McIntosh  
Marisa B. Van Saanen  
1440 New York Avenue N.W.  
Washington, D.C. 20005  
(202) 371-7000  
geoffrey.wyatt@probonolaw.com

Neil C. Weare  
We the People Project  
1666 Connecticut Avenue N.W.  
Suite 500  
Washington, D.C. 20009  
(202) 304-1202  
nweare@equalrightsnow.org

*Attorneys for Plaintiffs*

**PLAINTIFFS' SECOND MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Luis Segovia, Jose Antonio Torres, Pamela Lynn Colon, Tomas Ares, Anthony Bunten, Lavonne Wise, Iraq Afghanistan and Persian Gulf War Veterans of the Pacific (“IAPGVP”), and League of Women Voters of the Virgin Islands (“LWV-VI”) hereby move pursuant to Federal Rule of Civil Procedure 56(a) for summary judgment.

The plaintiffs request that the Court grant summary judgment against the state defendants and in favor of the plaintiffs because the individual plaintiffs, who are former residents of Illinois, are denied the right to vote in federal elections in Illinois that is afforded to all other former Illinois residents residing overseas solely because they each reside in certain disfavored Territories excluded from overseas voting rights by state law. This exclusion violates equal-protection principles as a matter of law under any level of scrutiny. The plaintiffs also request that the Court grant summary judgment against the state and federal defendants on the basis that both the federal and state statutes violate the plaintiffs’ fundamental right to interstate travel, which is protected by the substantive component of due process.

Plaintiffs’ full argument, along with supporting facts and law, are set out in the Plaintiffs’ Memorandum In Support of Second Motion for Summary Judgment. For all of the reasons stated therein, plaintiffs should be granted summary judgment.

Date: September 23, 2016

Respectfully submitted,

Leevin T. Camacho  
The Law Office of Leevin T. Camacho  
194 Hernan Cortez Avenue  
Suite 216  
Hagåtña, Guam 96910  
(617) 477-8894  
leevin@guahanlaw.com

s/ Charles F. Smith  
Charles F. Smith  
Lara A. Flath  
John J. Schoettle  
155 N. Wacker Drive, Suite 2700  
Chicago, Illinois 60606  
(312) 407-0700  
charles.smith@probonolaw.com  
lara.flath@probonolaw.com  
john.schoettle@probonolaw.com

Luis G. Rivera Marín  
Rivera Marín & Talavera Law Offices  
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Hato Rey, Puerto Rico 00918  
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Suite 500  
Washington, D.C. 20009  
(202) 304-1202  
nweare@equalrightsnow.org

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that on September 23, 2016, I filed this document using the Court's Electronic Case Filing ("ECF") system, which will automatically deliver a notice of electronic filing to all parties' counsel of record who are registered ECF users.

*s/ Charles F. Smith* \_\_\_\_\_

*Attorney for Plaintiffs*